

REGULAR MEETING

February 8, 1999

The Regular Meeting of the Annapolis City Council was held on February 8, 1999 in the Council Chamber. Mayor Johnson called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: City Attorney Goetzke

Alderman Sachs moved to approve the Minutes of January 4, 1999, January 11, 1999 and January 25, 1999. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Annapolis Conservancy Board
Jay Baldwin, Chair
Susan Ford, Member
Steve Carr, Staff Support

Gave an annual report including a slide presentation.

2. Frank E. Fuller
360 Magothy Road
Severna Park, MD 21146

Presented a Resolution regarding the Spirit of Santa Claus.

3. Joe Hellner
Representing the Chesapeake Bay Yacht Clubs Association
1059 Rustling Oaks Drive
Millersville, MD 21108

Spoke regarding R-12-98.

4. Riccardo Paradiso
10 Bricin Street
Annapolis, MD 21403

Gave regards from the Sri Lankan Ambassador.

LEGISLATIVE ACTION

ORDINANCES

- O-40-98** For the purpose of exempting certain nonprofit, community and/or neighborhood functions from certain fees under certain conditions; and all matters relating to said exemption.

There being no voiced objection, action on O-40-98 was postponed.

- O-61-98** For the purpose of precluding unnecessary property tax increases by reducing subsidized use of city facilities and services and requiring instead, in most cases, that the user of such facilities and services pay fair, consistent, and equitable charges for them; to increase uniformity

in the duration of city lease agreements by requiring that the term of certain leases coincide with the City fiscal year; and all matters relating to said facility, services and leases.

Alderman Hammond moved to adopt O-61-98 on second reading. Seconded.

The Economic Matters Committee and Finance Committee reported favorably with amendments on O-61-98.

Alderman McMillan moved to amend O-61-98 as follows:

Amendment No. 1:

On Page 1, line 14, immediately following “of” strike “precluding unnecessary property tax increases by”; on that same page, line 15 immediately before “subsidized” insert “taxpayer”.

Amendment No. 2:

On Page 1, line 15, immediately following “requiring” strike “instead, in most cases” and substitute “,with some exceptions”.

Amendment No. 3:

On Page 1, line 19, strike “facility” and substitute “facilities”.

Amendment No. 4:

On Page 1, line 33, immediately following “facilities” insert “and services”.

Amendment No. 5:

On Page 1, line 43, immediately following “municipal services” strike “rendered”.

Amendment No. 6:

On Page 2, line 7, strike “fair market”.

Amendment No. 7:

On Page 2, line 23, immediately following “Subsection D” insert “and E”.

Amendment No. 8:

On Page 2, line 24, immediately following “charged and” strike “shall”; on that same page and line, immediately following “pay” insert “a minimum of”; on that same page, line 25, immediately following the period add the following:

“Nothing in this ordinance shall preclude the city from charging more than full fees in a lease.”

Amendment No. 9:

On Page 2, line 27, immediately following “Subsection D” insert “and E”.

Amendment No. 10:

On Page 2, line 35, strike “director of finance” and substitute “mayor”.

Amendment No. 11:

On Page 2, line 36, immediately following "facility" add "or service".

Amendment No. 12:

On Page 2, line 36, immediately following "de minimus" insert "(less than three hundred dollars)".

Amendment No. 13:

On Page 2, line 43, add the following:

"3. For leases with terms of less than one month, provided the waiver and fees waived are expressly referenced in the lease."

Amendment No. 14:

On Page 2, line 44, strike "3" and substitute "4".

Amendment No. 15:

On Page 2, line 45 add the following:

"E. The requirements of Subsection B, C and D of this section do not apply to:

1. Rallies, parades or gatherings held for the purpose of exercising constitutionally protected rights of speech, religion or assembly on parks or sidewalks; or

2. Rallies, parades or gatherings held for the purpose of exercising constitutionally protected rights of speech, religion or assembly on a public street, when street closure and/or traffic redirection are determined to be public safety necessities by the city police department."

Amendment No. 16:

On Page 3, line 5, strike "notice of" and substitute "request for"; on that same page and line, strike "term"; on that same page, line 6, strike "shall".

Amendment No. 17:

On Page 3, lines 17 and 18, strike "from the date of its passage" and substitute "July 1, 1999".

Seconded.

Alderman Tolliver moved to consider Amendment No. 14 separately. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Gilmer, Carter, Moyer

NAYS: Mayor Johnson, Aldermen Sachs, McMillan, Fox

CARRIED: 5 - 4

Alderman McMillan's motion to adopt Amendments No. 1 through 17 with the exception of Amendment No. 14 CARRIED on voice vote.

Alderman Tolliver moved to amend O-61-98 as follows:

Amendment No. 14:

On Page 2, line 44, strike "3" and substitute "4". Seconded.

Alderman Tolliver moved to amend Amendment No. 14 as follows:

On Page 2, line 44, strike "3" and substitute "4" and add the following immediately following "council":

"pursuant to guidelines approved by the City Council". Seconded. A ROLL CALL vote was taken on the motion to amend:

YEAS: Aldermen Hammond, Tolliver, Gilmer, Carter, Moyer
NAYS: Mayor Johnson, Aldermen Sachs, McMillan, Fox
CARRIED: 5 - 4

Amendment No. 14, as amended, CARRIED on voice vote.

The main motion CARRIED on voice vote.

Alderman Gilmer abstained.

Alderman Hammond moved to adopt O-61-98 as amended on third reading. Seconded. CARRIED on voice vote.

O-5-99 For the purpose of repealing certain sections of Chapter 12.16, "General Traffic Regulations", which are outdated or for which there are state laws governing the issues addressed therein; and all matters relating to said regulations.

Alderman Hammond moved to adopt O-5-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Public Safety Committee.

O-7-99 For the purpose of amending the Business Corridor Enhancement (BCE) District by removing public refuse recycling facilities as a permitted use; and all matters relating to said BCE District.

Alderman Gilmer moved to adopt O-7-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

RESOLUTIONS

R-12-98 For the purpose of enacting certain definitions; modifying and establishing certain fees for the use of moorings on City waters and docking space at the City Dock; providing exceptions granted by the Annapolis City Council; and all matters relating to said City docking facilities.

Alderman Sachs moved to adopt R-12-98. Seconded.

The Economic Matters Committee and the Finance Committee reported favorably with amendments.

Alderman Fox moved to amend R-12-98 as follows:

Amendment No. 1:

On Page 3, line 5 strike "Twenty-Five" and substitute "Thirty".

Amendment No. 2:

On Page 3, line 7 strike "Twenty-Five" and substitute "Fifty".

Amendment No. 3:

On Page 5, line 6, immediately following the semi-colon strike "all such vessels".

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Finance Committee Recommendations for Action dated January 21, 1999.

Alderman Sachs moved to approve the Finance Committee Recommendations for Action dated January 21, 1999. Seconded. CARRIED on voice vote.

2. Payment of Monthly Bills

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

3. Appointments

Alderman Hammond moved to approve the Mayor's appointments of the following individuals as set forth in Memoranda dated February 4 and 8, 1999:

Annapolis Conservancy Board	Thomas R. Lippert
Board of Supervisors of Elections	Captain John L. Prehn
Environmental Commission	Richard A. Cooksey
Housing and Community Development Committee	William H. Peters, Sr.
Planning Commission	Harry G. Reese

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:15 p.m.

**Patricia L. Bembe, CMC/AAE,
City Clerk**